

proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 297

At the request of Mr. WEBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 297, a resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem.

AMENDMENT NO. 2559

At the request of Mr. SANDERS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2559 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1749. A bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Cell Phone Contraband Act of 2009. This bill would close a loophole that currently exists in Federal law by prohibiting the possession of cell phones and other wireless devices by prisoners in Federal facilities.

Currently, cell phones found in prisons are not specifically defined as contraband material. As a result, guards and inmates found smuggling or in possession of a cell phone in a Federal prison are rarely punished.

This bill would close this loophole by defining cell phones as contraband material under Federal law. As a result, any person smuggling or in possession of a cell phone could potentially serve up to a year in prison.

A cell phone should never be in the hands of a prisoner. The presence of these cell phones poses a grave safety concern for staff, inmates, and the public. We know that inmates use these phones to conduct criminal business outside of prison walls, including directing gang hits, controlling drug trafficking operations and even conducting credit card fraud. Corrections departments across the country are reporting a sharp increase in the number of cell phones being smuggled into prison facilities.

In May, California Inspector General David Shaw released a report on inmate cell phone use in California state prisons. The report found that cell phone seizures have increased tenfold in two years—from 261 in 2006 to 2,811 in 2008. According to the California Department of Corrections and Rehabilitation, cell phone and electronic com-

munication device possession, “is one of the most significant problems facing the Department today.”

So far this year, authorities have discovered over 4,000 cell phones among inmates in California prisons. There are presumably thousands more that were not discovered. Smugglers receive hundreds of dollars for each cell phone and more money if the cell phone contains a camera.

Staff members who smuggle cell phones for inmates often receive more in compensation for the contraband phones than they do from their paychecks. The California Inspector General’s report on inmate cell phone use found that inmates pay \$500 to \$1,000 per cell phone and noted that one corrupt correctional officer received approximately \$150,000 in 1 year to smuggle cell phones to inmates.

The cell phone problem is not limited to California. Maryland, Kansas, Massachusetts, Oklahoma, South Carolina, Tennessee, and Texas are just some of the states that have reported serious incidents coordinated by an inmate with a cell phone.

In Maryland, an inmate used a cell phone from jail to order the assassination of a witness testifying against him.

In Tennessee, a corrections officer was killed as a result of an inmate using a cell phone to plan an escape.

Department of Homeland Security Assistant Secretary Dora Schriro told my office, and I agree that cell phones in prison are “a more serious threat than drugs or other contraband.”

The problem in our Nation’s Federal prisons is no better. In 2008, the Federal Bureau of Prisons confiscated 1,519 phones from Federal prison camps and 255 cell phones from secure Federal institutions. I expect that these numbers will continue to increase unless we take proactive steps to stop the problem.

In July, I became a cosponsor of the Safe Prisons Communications Act of 2009, authored by Senator KAY BAILEY HUTCHISON. This bill would enable state and Federal prisons to petition the Federal Communications Commission and request to operate a wireless jamming device to block inmates from using cell phones to conduct criminal business from inside prison walls. Before granting permission, the FCC would have to first determine whether the jammer would interfere with emergency or public safety communications outside of the prison walls.

If enacted, the bill will provide another necessary tool in the effort to ensure that the growing problem of cell phones in prison does not turn into an epidemic. It is my hope that this will serve as a strong deterrent to those who would profit from smuggling cell phones and other wireless devices into our Federal prisons.

Our Federal prisons house some of the most dangerous criminals in our Nation. Cell phones allow prisoners to traffic drugs and carry out murders

from within our prisons and that is unacceptable.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1749

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Cell Phone Contraband Act of 2009”.

#### SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1971 of title 18, United States Code, is amended—

(1) in subsection (b)—  
(A) in paragraph (4), by striking “or (d)(1)(E)” and inserting “, (d)(1)(E), or (d)(1)(F)”;

(B) in paragraph (5), by striking “(d)(1)(F)” and inserting “(d)(1)(G)”;

(2) in subsection (d)(1)—  
(A) in subparagraph (E), by striking “and” at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

“(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and”.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 301—DESIGNATING OCTOBER 2, 2009, AS “WORLD MRSA DAY”

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 301

Whereas methicillin-resistant *Staphylococcus aureus* (MRSA) causes deadly infections in patients that are receiving treatment in health care facilities and affects numerous individuals within our Nation’s communities;

Whereas the Centers for Disease Control and Prevention has estimated that hospital-acquired MRSA infections killed more than 19,000 individuals in the United States in 2006;

Whereas patient and consumer advocacy organizations around the world are lending their voices to a call for leadership and an international commitment to preventing and eradicating MRSA, a disease that has reached pandemic levels and is spreading at an alarming rate;

Whereas patient and consumer advocacy organizations are calling upon health care officials and government leaders to step up and take a more comprehensive approach to stopping MRSA through implementation of a broad and proactive prevention program;

Whereas the MRSA Survivors Network, the first consumer organization in the United States to raise awareness concerning the MRSA epidemic and other such multi-drug resistant health care-acquired infections, has announced that October 2, 2009, has been designated as “World MRSA Day”, which shall be commemorated annually on such date; and

Whereas the MRSA Survivors Network has also designated the month of October as “World MRSA Awareness Month” in order to call attention to this worldwide epidemic: Now, therefore, be it

*Resolved*, That the Senate designates October 2, 2009, as “World MRSA Day”.

**SENATE RESOLUTION 302—RAISING THE AWARENESS OF THE NEED FOR CRIME PREVENTION IN COMMUNITIES ACROSS THE COUNTRY AND EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 1, 2009 THROUGH OCTOBER 7, 2009 AS “CELEBRATE SAFE COMMUNITIES WEEK” AND OCTOBER AS “CRIME PREVENTION MONTH”**

Mr. SPECTER (for himself, Mr. GRAHAM, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

**S. RES. 302**

Whereas communities across the country face localized increases in violence and other crime;

Whereas local law enforcement-community partnerships are an effective tool for prevention crime and addressing the fear of crime;

Whereas the National Sheriffs’ Association (NSA) and the National Crime Prevention Council (NCPC) are leading national resources providing community safety and crime prevention tools tested and valued by local law enforcement agencies and communities nationwide;

Whereas the NSA and the NCPC have joined together to create the “Celebrate Safe Communities” (CSC) initiative in partnership with the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice;

Whereas in its premiere year, 153 communities in over 32 States and the District of Columbia participated in “Celebrate Safe Communities”;

Whereas “Celebrate Safe Communities” will take place the first week of October 2009 to help kickoff recognition of October as “Crime Prevention Month”;

Whereas “Crime Prevention Month” was established 25 years ago to encourage public education on being alert to criminal activity within their communities;

Whereas “Celebrate Safe Communities” is designated to help local communities highlight the importance of law enforcement-community partnerships to keep communities safe places to live, learn, work, and play;

Whereas “Celebrate Safe Communities” will enhance the public awareness of vital crime prevention and safety messages and motivate Americans of all ages to learn what they can do to stay safe from crime;

Whereas “Celebrate Safe Communities” will help promote year-round support for locally based and law enforcement-led community safety initiatives that help keep families, neighborhoods, schools, and businesses from crime;

Whereas the week of October 1, 2009, through October 7, 2009, would be an appropriate week to designate as “Celebrate Safe Communities” Week; and

Whereas the month of October is designated “Crime Prevention Month”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 1 through October 7, 2009 as “Celebrate Safe Communities Week”;

(2) supports the designation of October 2009 as “Crime Prevention Month”;

(3) commends the efforts of the thousands of local law enforcement agencies and their countless community partners educating and engaging residents of all ages in the fight against crime;

(4) asks communities across the country to consider how “Celebrate Safe Communities” can help them highlight local successes in the fight against crime;

(5) encourages the National Sheriffs’ Association and the National Crime Prevention Council to continue to promote through “Celebrate Safe Communities” and year-round, individual and collective action, in collaboration with law enforcement and other supporting local agencies, to reduce crime and build safer communities throughout the United States; and

(6) encourages government agencies, civic groups, schools, businesses, and youth organizations to educate the public, showcase their accomplishments, and explore new partnerships during “Crime Prevention Month”.

**SENATE CONCURRENT RESOLUTION 44—EXPRESSING THE SENSE OF CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED TO COMMEMORATE THE WAR OF 1812 AND THAT THE CITIZENS’ STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT SUCH A STAMP BE ISSUED**

Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. BROWN, Ms. LANDRIEU, Mr. KAUFMAN, Ms. STABENOW, Ms. SNOWE, and Mr. LEAHY) submitted the following concurrent resolution, which was referred to the Committee on Homeland Security and Governmental Affairs:

**S. CON. RES. 44**

Whereas the War of 1812, often referred to as “America’s Second War of Independence”, was a significant effort for the United States in securing territorial boundaries and limiting violence on the frontier, clarifying the border between the United States and Canada, ensuring safety for American mariners from attack in passage to Europe and other shores around the world, and securing a lasting and definitive independence from Great Britain;

Whereas the continental United States was invaded and partly occupied, and public buildings in the Nation’s capital were burned, by a foreign power;

Whereas the major areas of military operations took place along the Canadian-American border in the North, the Atlantic Seaboard in the East, and the Gulf Coast in the South;

Whereas the infant United States Navy won small but important victories with ships like the USS Constitution, or “Old Ironsides”, against the dominant world naval power of the time, and American squadrons on Lake Erie and Lake Champlain defeated British squadrons;

Whereas the War of 1812 was a proving ground for future leaders of the United States, including Andrew Jackson, William Henry Harrison, James Monroe, Winfield Scott, Zachary Taylor, John Quincy Adams, Jacob Brown, and others;

Whereas the War of 1812 produced heroes and heroines that entered into American legend, such as Dolley Madison, Jean Lafitte, Davy Crockett, and others, including many whose names have been lost to history or are buried in War Department records;

Whereas Native American resistance to encroachment on their lands was ennobled and personified by The Great Shawnee Chief Tecumseh and others;

Whereas desperate battles and circumstances produced a number of inspirational and patriotic sayings, including “Don’t give up the ship”, “Remember the Raisin”, and “We have met the enemy and they are ours”;

Whereas the bombardment of Fort McHenry inspired Francis Scott Key to pen the words of what was to become the National Anthem;

Whereas the War of 1812 left the people of the United States with a new respect and reverence for their national flag;

Whereas the iconic figure Uncle Sam made his first appearance in the War of 1812;

Whereas on December 24, 1814, the peace treaty to end the War of 1812 was officially signed in Ghent, Belgium;

Whereas the Treaty of Ghent declared the release of all prisoners of war and returned land seized by both sides;

Whereas the Treaty of Ghent also formally restored diplomatic relations between the United States and Great Britain, resulting in a lasting peace that has endured to this day;

Whereas the War of 1812 was significant in the formation of Canada and the Canadian identity;

Whereas 2012 marks the bicentennial of the War of 1812; and

Whereas the War of 1812 was an important benchmark, not only in forging the identity of this Nation, but also in the emergence of the United States as a great power: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) the United States Postal Service should issue a postage stamp commemorating the War of 1812; and

(2) the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

Mr. LEVIN. Mr. President, I am pleased to be joined by our colleagues Senators VOINOVICH, LANDRIEU, KAUFMAN, BROWN, STABENOW, SNOWE, and LEAHY to introduce this concurrent resolution urging the United States Postal Service to issue a stamp commemorating the War of 1812. The War of 1812 was a pivotal war in our Nation’s history. Often referred to as “America’s Second War of Independence,” it secured our lasting independence from Great Britain, set our border with Canada, limited violence on the frontier and ensured the safety of American mariners around the world.

My home State of Michigan witnessed many battles during the War, including one fought near current day Monroe, Michigan, at the River Raisin. The Battle of the River Raisin, also known as the River Raisin Massacre, proved to be one of the bloodiest battles of the war. “Remember the Raisin” became a rallying cry for American soldiers.

Many such battles were fought throughout our young Nation; future leaders and presidents proved their mettle on the battlefield or at sea including Andrew Jackson, William Henry Harrison, James Monroe, Winfield Scott, Zachary Taylor, John Quincy Adams, and others. Legendary